

Remarks

Claims 11-19 were previously pending in the subject application. By this Amendment, claim 11 has been amended. Support for these amendments can be found throughout the specification and the claims as originally filed (see, for example, page 1, lines 23-28). Accordingly, claims 11-19 are now before the Examiner for consideration.

The amendments to the claims have been made in an effort to lend greater clarity to the claimed subject matter and to expedite prosecution. The amendments should not be taken to indicate the applicants' agreement with, or acquiescence to, the rejections of record. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Initially, the Office Action indicates that the drawings have been objected to. The applicants would like to thank Examiner Sines for the courtesy of a telephonic interview on April 10, 2008 regarding the objection to the drawings. During the interview, Examiner Sines indicated that the figures submitted on April 24, 2007 are acceptable and that the objection to the drawings would be withdrawn. Please note that this paragraph constitutes a statement of the substance of the interview under MPEP §713.04.

Therefore, reconsideration and withdrawal of the objection to the drawings is respectfully requested.

Claims 11-19 have been rejected under 35 U.S.C. §102(e) as being anticipated by Blyth *et al.* (U.S. Pat. No. 6,689,316). The applicants respectfully traverse this ground of rejection because the cited reference does not teach each and every element of the claimed method.

By this Amendment, the applicants have amended independent claim 11 to positively recite the step of forming the medium of the holographic element of the sensor *in situ* in the presence of a pore-forming agent. The Blyth reference, on the other hand, contains no disclosure or even suggestion of forming a medium in this way. The applicants note that the Office Action indicates at the bottom of page 3 that the recitation in claim 11, as previously presented, of how the medium is obtained was not given patentable weight. While the applicants do not necessarily agree with this interpretation, claim 11 as amended now includes positive recitation of how the medium is formed.

Additionally, claims 14-17 provide further novel features of the present invention over Blyth *et al.* Each claim recites a specific type of pore-forming agent which is not taught or even suggested in Blyth *et al.*

It is a basic premise of patent law that, in order to anticipate, a single prior art reference must disclose within its four corners, each and every element of the claimed invention. In *Lindemann v. American Hoist and Derrick Co.*, 221 USPQ 481 (Fed. Cir. 1984), the court stated:

Anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. *Connell v. Sears Roebuck and Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983); *SSIH Equip. S.A. v. USITC*, 718 F.2d 365, 216 USPQ 678 (Fed. Cir. 1983). In deciding the issue of anticipation, the [examiner] must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference. *SSIH, supra*; *Kalman [v. Kimberly-Clarke]*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983)] (emphasis added). 221 USPQ at 485.

The applicants respectfully submit that the novel method of the claimed invention, including forming the medium of the holographic element of the sensor *in situ* in the presence of a pore-forming agent, is not disclosed by Blyth *et al.*

Accordingly, reconsideration and withdrawal of the rejection under §102(e) is respectfully requested.

In view of the foregoing remarks, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



David R. Saliwanchik

Patent Attorney

Registration No. 31,794

Phone: 352-375-8100

Fax No.: 352-372-5800

Address: P.O. Box 142950
Gainesville, FL 32614-2950

DRS/la